

REMARKS

This Amendment addresses the non-final Office Action dated December 15, 2009.

In the outstanding Action, the Examiner objects to the Specification as not including a descriptive Title. Applicant respectfully disagrees, but has amended the Title, as suggested by the Examiner in the interest of advancing the prosecution of the application.

The Examiner also objects to the Specification as lacking section headings. Accordingly, Applicant has added the requested section headings.

In view of the foregoing, the objections to the Specification should be reconsidered and withdrawn.

Applicant also has deleted the claim numbers from the Specification and inserted text of the original claims therein.

Regarding the claims, Applicant has made several clarifying amendments to the claims. For example, Applicant has changed "A communications device" to "An apparatus" in claims 8-12. Applicant also has changed "arranged to" to "configured to" and deleted "means." The amendments presented herein are not made for reasons related to patentability and the full range of equivalents should remain intact.

New apparatus claim 25 also is added as supported by, for example, claim 1, page 10 and Figure 7 of the application.

No new matter is presented.

Regarding the rejections based upon art, claims 1-2, 4-9, 11-17 and 19-21 are rejected under 35 USC Section 103(a) as being unpatentable over US Patent Publication 2002/011176 to Roeder in view of US Patent Publication 2002/20137530 to Karve. Lastly, dependent claims 3, 10 and 18 are rejected under 35 USC Section 103(a) as being unpatentable over Roeder in view of Karve, and further in view of US Patent 5,742,668 to Pepe.

The above rejections are respectfully disagreed with, and are traversed below.

As further described below, the Examiner contends that Roeder discloses all of the features of Applicant's independent claims except for a "short message service message." The Examiner then cites Karve as generally disclosing SMS messaging asserting that it would thus be obvious to combine these references and arrive at Applicant's claimed invention. Applicant respectfully disagrees with the Examiner's analysis for at least the following reasons.

Applicant initially respectfully points out that according to embodiments of the Applicant's invention as recited in the independent claims, the recited feature of the divert facility is in the first communication device and the remote control can be performed by the second communication device to which the communication is diverted, or by another communication device.

Roeder discloses a system for call forwarding, which includes a telephone subsystem operable to communicate with a telephonic device. The system also includes a wireless subsystem operable to communicate with a mobile station. The mobile station is associated with the telephonic device. The system further includes a packet subsystem coupled to the telephone subsystem and the wireless subsystem. The packet subsystem is operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem. The packet subsystem is also operable to communicate the telephone call to the wireless subsystem for delivery to the mobile station (Abstract).

In paragraph [0029] cited by the Examiner at page 6 of the Action, Roeder refers to Fig. 1, as a block diagram illustrating system 100 for call forwarding. System 100 includes a wireless subsystem 102, a packet subsystem 104, and a telephone subsystem 106.

In paragraph [0030] also cited by the Examiner at page 6 of the Action, Roeder discloses that by forwarding telephone calls to mobile station 108 when mobile station 108 registers with system 100 and unforwarding telephone 110 when mobile station 108 deregisters with system 100, system 100 reduces or eliminates the need for a subscriber to manually forward and unforward telephone 110. This also reduces or

eliminates the likelihood that the subscriber using mobile station 108 will forget to activate or deactivate the call forwarding feature. In addition, the subscriber using mobile station 108 may be contacted using a single telephone number and/or extension number.

Thus, Roeder automatically activates and deactivates the telephone call forwarding feature depending on whether the mobile station is registered to the network or not.

The Examiner then cites paragraphs [0042] and [0060]-[0062] as disclosing “remotely controlling the control feature of the divert facility of the communication device using the second communication device or another communication device,” which is recited in Applicant's independent claim 1 and correspondingly in other independent claims. Applicant respectfully disagrees that Roeder discloses such recited features. That is, these paragraphs disclose:

[0042] In another embodiment, processor 124 may use a remote call forwarding feature 128 in telephone subsystem 106 to forward calls for telephone 110 to mobile station 108. Remote call forwarding feature 128 may, for example, allow one telephone 110 to activate or deactivate the call forwarding feature 112 for another telephone 110. Using remote call forwarding feature 128, processor 124 may instruct processor 118 to forward calls for telephone 110 to packet subsystem 104, which communicates the call to mobile station.

[0060] In another embodiment, WARP 352 and/or gatekeeper 266 may include a telephone emulator card 274. Card 274 appears to PBX 260 as a telephone 210. In this embodiment, PBX 260 may support a Remote Call Forwarding feature (RCF) 228, which allows call forwarding feature 121 to be activated and deactivated from another telephone 210. Using the telephone emulator card 274, WARP 252 or gatekeeper 266 instructs PBX 260 to activate or deactivate call forwarding feature 212 using the remote call forwarding feature 228.

[0061] In yet another embodiment, PBX 260 may support a call monitoring feature 230 and a call deflection feature 232. These features may, for example, be supported by CTI software stored in memory 220 and executed by processor 218. Processor 218 in PBX 260 may monitor a telephone 210 using monitoring feature 230 and wait for an alert event, which indicates that an upcoming call for telephone 210 exists. When processor 218 detects an alert event for a monitored telephone 210, processor 224 determines if the mobile station 208 associated with telephone 210 is registered in system 200. If the mobile station 208 is registered, processor 224 instructs processor 218 in PBX 260 to deflect the incoming call to gateway 258 over interface 214 using deflection feature 232.

[0062] In still another embodiment, when mobile station 208 registers in system 200, WARP 252 or gatekeeper 266 may instruct teleworking server 272 to treat mobile station 208 as a remote location for telephone 210. Teleworking server 272 then instructs PBX 260 to forward calls for telephone 210 to mobile station 208 using remote call forwarding feature.

The foregoing does not disclose or suggest any "control feature of a divert facility" as recited in Applicant's independent claims 1, 8, 13 and 17. The Examiner even admitted at page 4 of the prior Office Action that Roeder does not disclose "a control feature of a divert facility."

Roeder does not teach or suggest any divert facility of a communication device, as recited in Applicant's independent claims. Furthermore, Roeder does not teach or suggest that, for example, any mobile station of a user includes a control feature of a divert facility. In Roeder, the network determines whether the mobile station is registered to a network or not. According to embodiments of Applicant's invention, this kind of system would not work because, for example, the user's wireless communication device having the first identity is a part of the divert facility by receiving and retransmitting a received message to another communication device having the second identity.

Moreover, Roeder does not disclose or suggest wherein “a first communication device is equipped with at least a first identifier and a control feature of a divert facility, in order to control the divert facility concerning itself, and in which the short message service message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier” as recited in Applicant’s independent claim 1.

Nor does Roeder disclose or suggest a “control feature of a divert facility, in order to route a short message service message addressed to the communication device defined by a first identifier at least partly to a second communication device defined by a second identifier, said control feature of the divert facility being remote controllable” as recited in Applicant’s independent claim 8.

Roeder also does not disclose or suggest “at least one wireless communication device equipped with a second identifier, to which at least an established part of a short message service message addressed to the said communication device equipped with a first identifier may be routed, and means belonging to the data communication network for implementing the operations relating to the divert facility” as recited in Applicant’s independent claim 13.

Similarly, Roeder does not disclose or suggest a program product “in which by the control feature of the divert facility a short message service message from a data communication network addressed to the communication device can be set to be routed at least partly to at least one second communication device in the data communication network” as recited in Applicant’s independent claim 17.

Roeder does not disclose or suggest all of the features recited in Applicant’s independent claims. Applicant’s position also is consistent with the previously submitted International Search Report issued in the parent International application, which lists the Roeder document as an “A” reference defining the general state of the art which is not considered to be of particular relevance.

It is further respectfully asserted that the secondary reference, Karve, does not cure the shortcomings of Roeder and thus does not disclose or suggest the subject matter recited in Applicant's independent claims.

Karve was merely cited as disclosing SMS messaging.

As in the case of Roeder, Karve does not disclose or suggest wherein "a first communication device is equipped with at least a first identifier and a control feature of a divert facility, in order to control the divert facility concerning itself, and in which the short message service message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier" as recited in Applicant's independent claim 1.

Nor does Karve disclose or suggest a "control feature of a divert facility, in order to route a short message service message addressed to the communication device defined by a first identifier at least partly to a second communication device defined by a second identifier, said control feature of the divert facility being remote controllable" as in independent claim 8.

Karve also does not disclose or suggest "at least one wireless communication device equipped with a second identifier, to which at least an established part of a short message service message addressed to the said communication device equipped with a first identifier may be routed, and means belonging to the data communication network for implementing the operations relating to the divert facility" as recited in Applicant's independent claim 13.

Similarly, Karve does not disclose or suggest a program product "in which by the control feature of the divert facility a short message service message from a data communication network addressed to the communication device can be set to be routed at least partly to at least one second communication device in the data communication network" as recited in Applicant's independent claim 17.

Neither Roeder or Karve disclose or suggest the afore-cited features recited in Applicant's independent claims. Thus, no combination of these documents disclose or suggest all of the afore-recited features of Applicant's independent claims, as described above.

There is no reason a person skilled in the art would thus combine and modify the teachings of Roeder and Karve in an attempt to arrive at the afore-referenced subject matter recited in Applicant's independent claims.

Applicant respectfully notes that MPEP §2143.03 states "to establish prima facie obviousness of a claimed invention, **all** the claim limitations must be taught or suggested by the prior art." MPEP §2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added). "**All words in a claim** must be considered in judging the patentability of that claim against the prior art." MPEP §2143.03; *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added). If an independent claim is nonobvious under 35 U.S.C. 103, then **any claim depending therefrom** is nonobvious. MPEP §2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (emphasis added).

Accordingly, for at least the above reasons, Applicant's independent claims 1, 8, 13 and 17, as well as newly added independent claim 25, are patentable in view of the afore-cited references. Similarly, remaining dependent claims 2-12, 13-16 and 18-21 are patentable at least in view of their dependency from an allowable independent claim.

For completion, it is further respectfully noted that the addition of Pepe, which was cited by the Examiner in the rejection of Applicant's dependent claims 3, 10 and 18 does not cure the shortcomings of Roeder and/or Karve and thus does not disclose or suggest Applicant's claimed subject matter.

That is, Pepe was cited by the Examiner as disclosing an "authenticating" feature. (see col. 6, lines 11-28 of Pepe). However, it is respectfully asserted that as in the case of Roeder and Karve, Pepe does not disclose or suggest the afore-recited fea-

tures of Applicant's independent claims regarding Applicant's claimed control feature of a divert facility and SMS message routing.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, reconsideration and withdrawal of the objections and rejections is requested. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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March 15, 2010

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